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Serial Number: 09/662,991
Reply to Office Action dated 14 June 2006

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the final Office Action dated 14 June 2006. It is noted at the outset that this Office Action was mistakenly made final. In a telephonic interview regarding the matter on 8 September 2006, the Examiner acknowledged as much and indicated that the Office Action should be treated as non-final.

Briefly, the 14 June 2006 Office Action states that the Applicant's arguments filed on 31 May 2006 were persuasive and that the finality of the prior Action had been withdrawn for that reason. It goes on to state, however, that Applicant had amended the Claims before the prior final Office Action and on that basis makes final the presently pending Office Action which sets forth a new ground of rejection.

It is respectfully submitted that apart from those made at the time the Request for Continued Examination and fee were filed in this case on 16 March 2005, Applicants have not made any further amendments to the Claims. The written communications since then have been as follows:

1. Non-final Office Action of 1 June 2005 rejecting claims 1-18 based upon the Clarke, et al. Publication as the primary reference;
2. Applicants' Response to the non-final Office Action, dated 30 September 2005, providing support to disqualify the Clarke, et al. Publication as applicable prior art;

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3. Final Office Action dated 21 December 2005 reasserting the rejection of Claims 1-18 based upon Clarke, et al. as the primary reference, and indicating deficiency in the Declaration supporting Applicants' Response;

4. Applicants' Response After Final Office Action, dated 12 May 2006, providing further support to disqualify the Clarke, et al. Publication as applicable prior art;

5. Applicants' Supplemental Response, dated 31 May 2006, providing supporting Declaration of previously unavailable co-Inventor; and,

6. The presently pending final Office Action removing the finality of the prior Office Action, but setting forth new grounds for rejection based upon different prior art.

Applicants made no amendments to the Claims in any of the 30 September 2005, 12 May 2006, or 31 May 2006 Responses noted above. The amendments to the Claims seemingly referred to in the present Office Action are those which were entered upon the RCE filing of 16 March 2005. No amendments to the Claims have been submitted since the RCE. Thus, removal of the present Office Action's finality is proper.

Turning to the rejections set forth in the present Office Action, the Examiner rejected Claims 1-18 as being unpatentable over the newly-cited Aziz reference in view of the Smith reference. The Examiner acknowledged in this regard that Aziz fails to explicitly disclose whether the source address actually

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resides in the cache, but concluded such to be inherently taught or otherwise obvious to one of ordinary skill in the art. The Examiner took official notice as to the determination of keys in a cache based upon association with a source address.

In setting forth the rejection, the Examiner also stated that Aziz is silent as to any authorization of an acknowledgment signal for an external source. The Examiner then cited Smith for disclosing the periodic communication of cache control information to avoid unnecessary retransmission of information, and concluded from this that it would have been obvious to have accordingly modified the Aziz system to incorporate acknowledgment-based communication features.

As each of the pending independent Claims 1, 7, and 13 clearly recites, Applicants' claimed approach includes "establishing acknowledgment-responsive wireless communication with ...[an] external source." Measures are taken to utilize key caching in highly effective manner during such "acknowledgment-responsive communication." Among other things, measures are taken in this context "to prepare the cache for decrypting a packet subsequently re-sent by the external source" when proper acknowledgment is not promptly made by the recipient.

The full combination of these and other features clearly recited by each of the pending claims is nowhere disclosed by the cited references. While the primarily-cited Aziz reference does disclose caching a certain portion of a key, it teaches quite unequivocally away from doing so in any "acknowledgment-

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responsive ... communication" system, where the recipient actively participates with appropriate acknowledgments to enable communication from an external source to progress properly. Indeed, Aziz calls specifically for a "datagram-based network" such as the Internet system, where "messages and data are transmitted through the use of datagram packets," (column 6; lines 59-60). Aziz explains unambiguously that:

In a datagram-based network, messages are sent from a source to a destination in a similar manner to a government mail system. For example, a source computer may send a datagram packet to a destination computer regardless of whether or not the destination computer is currently on-line and coupled to the network. The Internet protocol (IP) is completely session-less, such that IP datagram packets are not associated with one another.

(Column 6, lines 60-67, *emphasis added*).

It is clear, therefore, that Aziz is not silent at all as to whether or not it establishes acknowledgment signals for an external source, as the Examiner concluded. Aziz actually makes express mention more than once in that regard. The reference leaves no question that its communication network employing "a datagram protocol like IP," is one "which does not require the receiving computer to be in operation to send packets to it," (column 7; lines 54-56). Aziz could not teach any more directly away from the "acknowledgment-responsive ... communication" features recited by Applicants' pending Claims.

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The very purpose of Aziz is to preserve internet security by guarding against harmful data originating from an imposter, or "cracker." That is, the point of Aziz's teachings is to detect any suspicious data packets so that they may be declared "invalid and discarded" immediately (column 10; line 64; column 11, line 4). With such a security-minded, guarded approach, Aziz would hardly even permit - let alone suggest - any acknowledging communication to be unwittingly provided by the recipient back to a possible "cracker," lest the recipient make itself (and the system) all the more vulnerable to a would-be "cracker."

Given such contrary teachings of the primarily-cited Aziz reference, the disclosures of the secondarily-cited Smith reference are found to be wholly ineffectual to the present patentability analysis. While the reference discloses the efficiency generally promoted by the use of caching operations, and recognizes the use of acknowledgments in communications between a base station and its subscriber units, the reference nowhere discloses the encryption key handling features clearly recited, for instance, in Applicants' pending Claims. Hence, Smith fails to undo or remedy the contrary and deficient teachings of Aziz.

It is respectfully submitted, therefore, that the Aziz and Smith references, even when considered together, fail to disclose the unique combination of elements clearly recited by Applicants' pending Claims for the purposes and objectives disclosed in the subject Patent Application. The other references cited by the Examiner but not used in the rejection are believed to be further remote

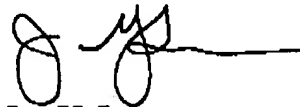
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from Applicants' claimed combinations of features when patentability considerations are taken properly into account.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

If there are any further charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



Jun Y. Lee
Registration #40,262

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Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586

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Date



Jun Y. Lee